

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services -PR&RD Department - Sri P.Parasurami Reddy, former MPDO (now retired), MP Chinnagottigallu, Chittoor District – Trapped by the ACB officials on 12.01.1994 – Convicted in ACB court – Dismissed the Accused Officer from Service – Appeal filed in High Court – Dismissed – Appeal filed in Supreme court in C.A.No.462/03 – Acquitted on benefit of doubt – Further action dropped – Orders – Issued.

PANCHAYAT RAJ & RURAL EMPLOYMENT (VIG.III) DEPARTMENT

G.O.Ms.No. 46

Dated:14-2-2013.

Read the following:-

- 1) Proceedings No.3620/I3/CPR/94, dt.24.3.1994 of the CPR&RE, A.P,Hyderabad.
- 2) G.O.Ms.No.929, PR&RD (Estt.VII) Deptt., dt.31.12.1994.
- 3) From the Additional Special Judge for SPE & ACB Cases, Nellore, C.C. No.4/1995, dated 17-12-1996.
- 4) G.O.Ms.No.324, PR&RD (Estt.VII) deptt., dt.2.9.1997.
- 5) From the Hon'ble High Court of AP, CA No.1071/1996, dt.12.8.02.
- 6) The Hon'ble Supreme Court of India, CA No.462/2003, dt.2.8.11.
- 7) Representation of Sri.P.Parasurami Reddy, former MPDO(Retd), dt.27.8.2011.

ORDER:

It had been brought to the notice of the Government that Sri P.Parasurami Reddy, while working as Mandal Parishad Development Officer, Mandal Parishad, Chinnagottigallu, Chittoor District was trapped by the ACB officials in his office on 12.01.1994 when he demanded and accepted an amount of Rs.500/- as illegal gratification from the complainant. In the ref.1st read above, the Commissioner of Panchayat Raj & Rural Employment, Hyderabad has placed the Accused Officer under suspension.

The Director General, Anti Corruption Bureau, Hyderabad in his final report dt.23.9.1994, has recommended to prosecute the Accused Officer, Sri P.Parasurami Reddy, former Mandal Parishad Development Officer, (u/s), MP Chinnagottigallu, Chittoor District in court of law. Accordingly, Government have issued orders sanctioning prosecution against the above said Accused Officer vide ref.2nd read above.

In ref.3rd read above, the Additional Special Judge for SPE & ACB Cases, Nellore, in his Judgment in C.C. No.4/1995, dated 17-12-1996 has convicted the Accused Officer, Sri P.Parasurami Reddy, former Mandal Parishad Development Officer, Mandal Parishad, Chinnagottigallu, Chittoor District and sentenced to undergo rigorous imprisonment for 10 months and a fine of Rs.1,500/- under sections 7 and 13(2) r/w 13(1)(d) of PC Act, 1988.

In the ref. 4th read above, Government have issued orders dismissing the Accused Officer, Sri P.Parasurami Reddy, former MPDO(u/s) from service as per Rule 25(1) of APCS (CC&A) Rules, 1991 as amended from time to time where any penalty is imposed on a Government servant on the ground of conduct which had led to his conviction on a criminal charge.

Sri P.Parasurami Reddy, former Mandal Parishad Development Officer, Mandal Parishad, Chinnagottigallu, Chittoor District preferred an appeal in the Hon'ble High Court of Andhra Pradesh and filed CA No.1071/1996 against the judgment of the A.C.B. Court in C.C.No.4 of 1995. The Hon'ble High Court has dismissed the CA vide ref.5th read above.

Sri P.Parasurami Reddy, former Mandal Parishad Development Officer, Mandal Parishad, Chinnagottigallu, Chittoor District has filed CA No.462/2003 in Hon'ble Supreme Court of India against the conviction orders and High Court judgment. In the ref.6th read above, the Hon'ble Supreme Court of India allowed the appeal and pronounced judgement dt.2.8.2011 in C.A.No.462/03 as follows:

"This was rather strange. Learned counsel appearing for the State very heavily relied on that circumstance. That circumstance by itself may not be able to establish that money was demanded and it was accepted as bribe. It could have been the possibility that the complainant had touched the currency notes and had shaken hand with the accused or it could be that any one of the investigating officer or the member of the raiding party had touched the fingers of the accused. That circumstance itself cannot be ruled out".

"We have seen the judgments of the courts below wherein the sole evidence of the fingers being soiled in sodium carbonate turned pink has been relied upon. Both the courts below seem to have impressed by this situation alone. We do not feel it sufficient to convict the accused on this evidence alone and we would choose to give him the benefit of doubt".

In the ref.7th read above, Sri P.Parasurami Reddy, former MPDO(Dismissal)(Retired), MP Chinnagottigallu, Chittoor District while enclosing judgment of Hon'ble Supreme Court of India, has requested to release pension and pensionary benefits duly regularizing the suspension period as on duty.

Government have examined the matter carefully and decided to implement the orders of the Hon'ble Supreme Court of India in CA No.462/2003. Accordingly, Government hereby drop further action against Sri P.Parasurami Reddy, former MPDO(Dismissal)(Retired), MP Chinnagottigallu, Chittoor District duly rescinding the earlier orders issued in G.O.Ms.No.324, Panchayat Raj & Rural Development (Estt.VII) department dt.2.9.1997 and hereby order to release pensionary benefits to said Accused Officer duly treating the suspension period and dismissal period of the Accused Officer as "not on duty" as per the provisions under FR.54-(B)(7) in accordance with the orders contained in G.O.Ms.No.307, Finance (FR.II) Department, dt.3.12.2012.

8. The Commissioner, Panchayat Raj & Rural Employment, A.P., Hyderabad, shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINICIPAL SECRETARY TO GOVERNMENT

To

1. The Commissioner, Panchayat Raj & Rural Employment,
A.P., Hyderabad.
2. The individual through CPR & RE, A.P., Hyderabad.
3. The Chief Executive Officer, Zilla Parishad, Chittoor.

Copy to:

4. The Accountant General, Andhra Pradesh, Hyderabad.
5. The District Treasury Officer, Chittoor.
6. The Secretary to Vigilance Commissioner, A.P.V.C., Hyderabad.
7. The P.S. to the Minister for Panchayat Raj.
8. SF.

//FORWARDED BY ORDER//

SECTION OFFICER